



TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director- Development Review & Historic Preservation
DATE: October 19, 2012
SUBJECT: Setdown Report – ZC 05-36G – Modification to PUD in Square 749

I. OP RECOMMENDATION and APPLICATION-IN-BRIEF

The Office of Planning (OP) recommends that the Zoning Commission set down the application and related map amendment to modify PUD 05-36 to incorporate a Phase III, with the following zoning flexibility

- Related map amendment from C-2-B to C-3-C
- Reduction of the overall PUDs parking ratio (1 space per four units required matter of right; a yet to be determined ratio of slightly less than PUD's condition of 1 space:0.71 unit to be provided);
- Reduction of the Phase III rear yard (13 ft. 3 inches required, 5 ft. provided).

The PUD was approved as a primarily residential Consolidated and Preliminary PUD with some retail uses. It encompasses all but three lots in Square 749, which is near the New York Avenue metro station in northeast Washington. At that time the Commission suggested that the three lots now under consideration be incorporated into the PUD. The Consolidated PUD has been completed and is substantially occupied. The Commission has approved modifications to the Preliminary PUD, which has not started construction.

The present proposal would add the remaining three lots in the Square to the PUD. These would contain a seven story approximately 41-unit all-residential building. It would be joined below-grade to the Consolidated PUD in order to share the existing garage and other PUD amenities. The applicant asks that the three C-2-C zoned lots be granted the same related C-3-C zoning as the rest of the PUD.

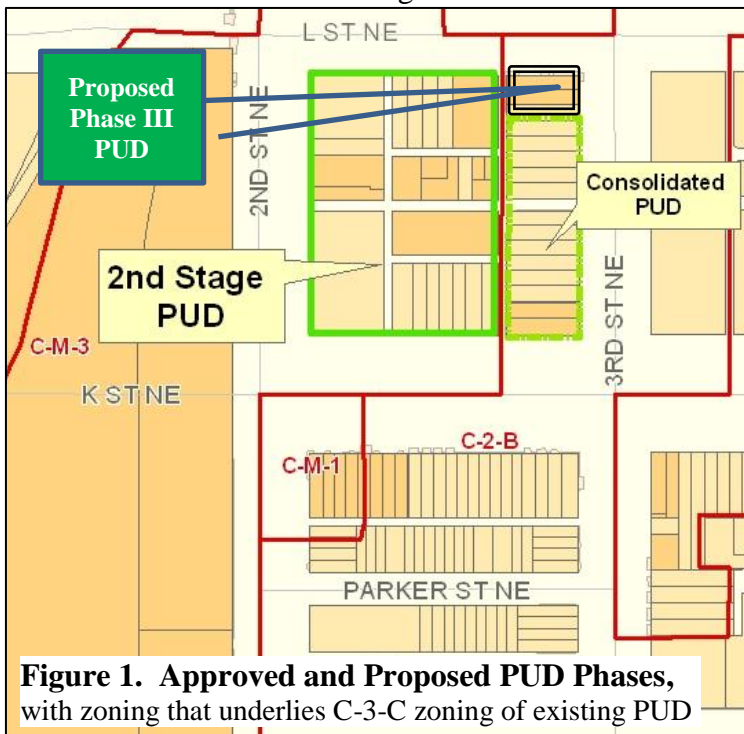


Figure 1. Approved and Proposed PUD Phases, with zoning that underlies C-3-C zoning of existing PUD

The applicant has not proposed that Phase III include parking, loading, or amenities other than those approved for earlier phases. If the application is set down, the relationship between the requested zoning and the public benefits will need further consideration.

Other issues requiring attention before a public hearing are noted *in italics* within this report.

II. SITE AND SURROUNDINGS

Square 749 is bounded by 2nd, 3rd, K and L Streets, NE. Phases I and II of PUD 05-36 comprise 101, 102 square feet. Phase III would add 5,016 square feet to the PUD, which would then encompass the entire Square. The proposed expansion is located on the northeast corner of the Square, at the intersection of L and 3rd Streets, N.E.

The nearby area has been transition for the last ten years. Some of the row houses and light industrial uses have been converted or replaced with high-rise apartments, and low-rise institutional and office uses.

III.SUMMARY OF CONSTRUCTED, APPROVED, PROPOSED PHASES AND BENEFITS

The approved PUD is divided into a completed Consolidated PUD fronting on 3rd Street and K Street, and an approved Preliminary PUD fronting on 2nd Street, as well as K and L Streets. The underlying zone districts are C-2-B and C-M-3. C-3-C zoning is associated with the PUD.

The Consolidated PUD has 202 residential units including 28-30 for households earning \leq 80% AMI, with a focus on practicing artists. Just under 3,700 square feet is reserved for retail space. There are 177 underground spaces, atop which is a plaza intended for access only by Phases I and II users.

The Second Stage PUD has been modified and twice extended since its original approval. It is permitted to be constructed in two stages. When both stages are complete, Phase II is to contain approximately 555,545 gross square feet (gsf) of floor area. 415,307 net square feet would be devoted to approximately 500 residential units. Ancillary residential indoor amenity spaces would comprise 13, 328 square feet, and core and service areas would occupy 113,109 square feet (20% of GFA). There would be 13, 801 square feet of retail space, including a 3,446 square foot daycare center, an addition to the parking garage for a total of 506 to 448 spaces, and a publicly accessible plaza atop the garage.

10% of the Second Stage and 11% of the overall residential gross floor area are reserved for affordable housing. All of the affordable square footage is an applicant proffer, as the PUD preceded the applicability of Inclusionary Zoning requirements.

The proposed Phase III would incorporate the remainder of the Square, adding 34,485 gross square feet, and 41 residential units when completed It would occupy 97 % of its three lots. Its zoning height of 63 feet 8 inches would be able to incorporate seven stories because the overall PUDs measuring point is lower than the elevation of the curb at what would otherwise be the measuring point for the Phase III building. The proposed building has been designed to complement the massing, materials and architecture of the approved phases of the PUD. No additional parking is proposed for this phase.

IV.RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Generalized Future Land Use Map indicates the Phase III site is appropriate for both moderate density residential and moderate density commercial uses. Although the proposed 6.88 FAR and related map amendment from C-2-C to C-3-C is typically associated with medium density designations, the proposal would be not inconsistent with the Comprehensive Plan for the following reasons:

- The proposed modification to the approved PUD would further several Comprehensive Plan policies:
 - Housing Element: The modification would permit the addition of 41 units of housing for balanced, mixed-use growth near certain Metro stations, as encouraged by policies 1.1.3 and 1.1.4;

- Central Washington Element: The additional housing is responsive to Policy CW 1.1.4's encouragement of denser housing in the central area, particularly in NoMA;
- Urban Design Element: Phase III's design and massing would be integrated with the approved PUD and would serve as a transition element to the nearby rowhouses. This would be consistent with policy UD 2.2.7's encouragement of appropriately-scaled infill, and policy UD 3.3.1's encouragement of quality treatment of public spaces.
- The Generalized Policy Map includes the site within the boundaries of the NoMA/New York Avenue Metro land use change area.
- The Commission has already found that the C-3-C zone district to be appropriately related to Phases I and II of the PUD. Those phases will comprise more than 95% of Square 749.

V. PUD EVALUATION STANDARDS

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. A PUD is “designed to encourage high quality development that provide public benefits” and to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations, or results in an action inconsistent with the Comprehensive Plan. In addition,

“The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project”.

The applicant considers the following to be the project amenities and public benefits of Phase III: the proposed housing, building design, public space landscaping, and the extension to Phase III of Phases I and II's First Source Agreement.

As the following sections indicate, the addition of Phase III to the PUD would result in a high quality development that would neither be inconsistent with the Comprehensive Plan, nor require zoning relief that is out of balance with the expected public benefits.

VI. ZONING ANALYSIS

The applicant is requesting PUD-related C-3-C zoning, which matches that of the rest of the PUD. C-3-C is being requested for the proposed 6.88 FAR¹, and is not needed for the project's proposed height.

Table 1 analyzes the approved PUD and its phases, the proposed Phase III, and how that Phase would modify the approved PUD, if approved.

¹ The base zone is C-2-B which allows 90 feet and 6 FAR through a PUD.

TABLE 1.	Approved Phases I & II, as Amended. (+/- 5% flexibility)	Proposed Phase III And Proposed Overall PUD
Land Area, Underlying Zoning	26,805 sf, C-2-B 74,277 sf, C-M-3 TOTAL: 101,102 sf	5,016 sf, C-2-B New total would be 106, 118 sf
FAR	7.84 FAR (8.0 FAR permitted for a C-3-C PUD)	3.5 C-2-B MOR 6.5 C-3-C MOR 8.0 C-3-C PUD 6.88 Phase III 7.8 New Overall
Height	121 ft., with stepdowns (130 ft. permitted for a C-3-C PUD)	65 feet C-2-B MOR 90 feet C-3-C MOR 130 feet C-3-C PUD 63 ft., 8 in. Phase III
Roof Structures	Multiple structures approved	1 @ eighteen feet six inches; 1:1 setback
Gross Square Feet (gsf)	- 831,841 gsf residential - 17,497 gsf retail (incl. daycare) - TOTAL: 849,338 gsf	34,485 gsf for Ph. III All residential (26,211 net sf) 883,823gsf New Overall
Residential Units	Approx. 712	41 units Phase III 753 New overall
Lot Occupancy	68,097 68% (100% permitted)	80% C-2-B MOR 100% C-3-C MOR 97% Phase III 69% overall
Rear Yard	--	5 ft. provided 13'3" required
Vehicle Parking	0.71 spaces per unit approved (approx. 506 spaces) (1 space for 4 units required; i.e., 178 spaces)	0 in Phase III (10 required) (Overall ratio would be < 0.71, although change not requested)
Bicycle Parking	--	0 Proposed (5% of required vehicle spaces = 1)
Loading	2 berths @ 55 ft. 2 platforms @ 200 sf 2 loading areas @ 20 ft.	None required. Will use Phases I and II facilities.
Affordable Housing	Approx. 86,971 gsf housing @ 80% AMI = 11.07% of res. gsf.	No IZ noted, but IZ requires 8% at 80% AMI for Phase III

Relief has been requested for the following:

Parking (§ 2101.1): If considered independent of the approved PUD, the Phase III building would require relief to provide 0 rather than the required 10 parking spaces. While such relief may not be necessary in the context of the full PUD, a modification of PUD Condition No. 2 of Zoning Commission Order 05-36E may be needed to permit the marginal diminution in the required parking ratio of 1 space per 0.71 residential unit. However, the impact of modification and/or relief is not likely to have a negative impact. The PUD is located two blocks from the New York Avenue metro station; Phase III residents will have access, as space permits, to the parking garage for Phases I and II, and; the currently required parking ratio far exceeds the 0.25 space per unit ratio usually required for residential use in a C-3-C zone.

Rear Yard (§ 774.1): The applicant has designated 3rd Street, N.E. as the front of the proposed Phase III building, for zoning purposes. The rear yard would, therefore, face the alley separating the northeastern corner of the Phase II building from the proposed Phase III building. The applicant requests permission to provide a 5 foot rear yard, measured from the centerline of the 10 foot alley, rather than the required 13 feet, three inches. The diminution of the rear yard would have little to no impact on future building occupants or the public. The Phase III building would have access to both the private and public central courtyard and would not need a separate rear yard for recreation purposes. The reduction would have no negative impact on residents' privacy: the distance between windows on the east side of Phase II and on the west side of Phase I would be approximately 55 feet, due to the combination of the 10-foot wide alley and the 45 foot-wide driveway separating the two phases.

In addition The applicant is required to provide one bicycle parking space by § 2119): , but has not noted the provision of any. OP anticipates that the application will be amended to provide bicycle parking, so that relief will not be needed.

Although not mentioned in the application, Phase III would be required to reserve 8% of its gross floor area for housing affordable to households make not more than 80% of the area median income. This would result in approximately 406 square feet (one studio unit) of affordable housing. OP would not support relief from this requirement.

VII. ADDITIONAL ANALYSIS AND ADDITIONAL INFORMATION NEEDED

Items needing additional information or consideration before a public hearing are noted *in italics*.

Urban Design, Architecture, Site Planning, Landscaping and Open Space

The application proposes a seven-story masonry-faced building directly adjoining the northern wall of Phase I and with windows on the other three sides. The façade would be divided into three horizontal segments, and the massing, color and detail would provide an appropriately-scaled complement to the approved PUD Phases. The architecture would complete the design of Square 749 and would provide a transition to adjacent blocks.

The applicant should provide details about the plants, planter boxes and paving materials to be used in public space, and clarify that Phase III will have no utility vaults in the public space on 3rd Street or L Street.

Housing

The applicant should clarify the project's compliance with Inclusionary Zoning requirements.

Local Business Opportunities and First Source Agreements

The applicant should provide drafts of a modified Memorandum of Understanding with the District Department of Small and Local Business Development and a modified First Source Employment agreement, regarding the participation by small, local and disadvantaged businesses in project design development, construction, maintenance and security of the project and the use of the Department of Employment Services as a first source for recruitment, referral and placement of new hires.

Green Elements

Sheet A.11 of the 09-07-12 drawings indicates that there will be planted areas on the roof. Other than that, there is no indication of potential green elements in the proposed project.

The applicant should provide information on green or sustainable project components in Phase III and the number of LEED points for which it is anticipated that Phase III will be eligible.

Transportation and Parking

The applicant has not submitted a traffic impact and parking study for Phase III.

If requested by the Commission or by the District Department of Transportation (DDOT) the applicant should amend its previous study for the project to update background conditions and to incorporate any potential impact of Phase III.

Public Benefits and Amenities

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations, or results in an action inconsistent with the Comprehensive Plan.

Public amenities are defined in § 2407.3 as including “one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors.” § 2403.9 outlines “Public benefits and project amenities of the proposed PUD may be exhibited and documented in any of the following or additional categories:

- (a) Urban design, architecture, landscaping, or creation or preservation of open spaces;
- (b) Site planning, and efficient and economical land utilization;
- (c) Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts;
- (f) Housing and affordable housing;
- (h) Environmental benefits, such as storm water runoff controls and preservation of open space or trees;
- (i) Uses of special value to the neighborhood or the District of Columbia as a whole.”;

The applicant has listed items which it feels contribute toward the proposed project's benefits and amenities. These are noted in the table below, with OP's evaluation of how the items should be classified.

TABLE 3: BENEFITS and AMENITIES CITED BY APPLICANT	MITIGA- TION	PUBLIC BENEFIT	PROJECT AMENITY	RE- QUIRED	APPLICANT PROFFER	CONCERNS
Efficient Site Planning and Economical Land Utilization		X			No. Generated taxes from residents and workers, and market demand from residences are inevitable indirect benefit of project	
Housing (41 units)		X			X	
Affordable Housing		X		1 unit @ 80% AMI		<i>IZ unit not mentioned by applicant</i>
Contextual Arch/Urban Design		X	X		X	
Roof Deck, Courtyard and Public Space Landscaping		Possibly	X		X	<i>Details and clarification of construction in public space needed</i>
Transit Oriented Project		X				Not cited by applicant
Enclosed parking/loading/trash	X	X	X		X	Not cited by applicant
Employment & Training Opportunities		X			X	

Should the project be set down, OP will request additional information from the applicant regarding the proposed benefits and amenities to ensure that they are consistent with the relief requested, particularly the related map amendment.

VIII. AGENCY REFERRALS AND COMMENTS

If this application is set down for a public hearing, it will be referred to the following District government agencies for review and comment:

- DC Public Schools (DCPS);
- DC Water
- Department of Employment Services (DOES);
- Department of Health (DOH);
- Department of Housing and Community Development (DHCD);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- District Department of Transportation (DDOT);
- Fire and Emergency Medical Services Department (FEMS); and
- Metropolitan Police Department (MPD)
- District Department of the Environment (DDOE).

IX. COMMUNITY COMMENTS

OP is not aware of discussions with ANC 6C or other members of the community.

X. RECOMMENDATION

OP recommends the Zoning Commission set down this application for a public hearing. Should the application be set-down, OP would continue to work with the applicant, other District agencies, the ANC and civic groups to ensure coordination of this PUD, and the resolution of concerns.

JLS/ slc

Steve Cochran, project manager